PTO/SB/61 (06-09)

Approved for use through 06/30/2009, OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

			Pocket Number (Optional)
	TITION FOR REVIVAL OF AN APPLICATION FOR PATEN' ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	T /	10159-US-PCT
First Named Inventor: CLARK Art Unit: 1642			1642
Application Number: 10/585261 Examiner:			r:
Filed: C	07 Jan 2005		
Title:	BIOMARKERS AND METHODS FOR DETERMINING SENSI	ITIVITY ⁻	TO EPIDERMAL GROWT
Mail Ste Commis P.O. Bo	on: Office of Petitions op Petition ssioner for Patents ox 1450 dria, VA 22313-1450		
	NOTE: If information or assistance is needed in completing Petitions Information at (571) 272-3282.	this form	n, please contact
the Unit	ove-identified application became abandoned for failure to file a tim ted States Patent and Trademark Office. The date of abandonmen set for reply in the Office notice or action plus any extensions of time	nt is the	day after the expiration date of the
	 APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS NOTE: A grantable petition requires the following items: (1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee – required for all before June 8, 1995, and for all design applications; and Adequate showing of the cause of unavoidable delay. 	Il utility ar	
1. Petitio	on fee		
[Small entity – fee \$ (37 CFR 1.17(I)). Applicant See 37 CFR 1.27.	t claims s	mall entity status.
	Other than small entity – fee \$ 540 (37 CFR 1.17(i))).	
2. Reply	y and/or fee		
Α .	The reply and/or fee to the above-noted Office action in the form of Notification of Missing Requirements (ider	ntify the ty	ype of reply):
	has been filed previously on		··· '
	is enclosed herewith.		
В	The issue fee of \$		
	has been filed previously on		
	is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

App U.S. Patent and Trad. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of inform	PTO/SB/61 (06-09) proved for use through 06/30/2009. OMB 0651-0031 emark Office; U.S. DEPARTMENT OF COMMERCE lation unless it displays a valid OMB control number.
PETITION FOR REVIVAL OF AN APPLICATION FOR PA UNAVOIDABLY UNDER 37 CFR 1.13	ATENT ABANDONED
Terminal disclaimer with disclaimer fee	
Since this utility/plant application was filed on or after June 8,	1995, no terminal disclaimer is required.
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \$ for other than a small entity) disclaiming herewith (see PTO/SB/63).	for a small entity or the required period of time is enclosed
4. An adequate showing of the cause of the delay, and that the entire delay in fill for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was	ing the required reply from the due date unavoidable, is enclosed.
WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in dethat may contribute to identity theft. Personal information such as socious numbers, or credit card numbers (other than a check or credit card authorical payment purposes) is never required by the USPTO to support a petition or a information is included in documents submitted to the USPTO, petitioners/such personal information from the documents before submitting them to advised that the record of a patent application is available to the public after a non-publication request in compliance with 37 CFR 1.213(a) is made in the Furthermore, the record from an abandoned application may also be available referenced in a published application or an issued patent (see 37 CF authorization forms PTO-2038 submitted for payment purposes are not therefore are not publicly available.	al security numbers, bank account zation form PTO-2038 submitted for n application. If this type of personal applicants should consider redacting the USPTO. Petitioner/applicant is publication of the application (unless application) or issuance of a patent. ble to the public if the application is R 1.14). Checks and credit card
	June 18, 2009
Signature	Date
PAUL D. GOLIAN	42,591
Typed or printed name	Registration Number, if applicable
Bristol-Myers Squibb Company, Patent Department	609-252-4091
Address Route 206 & Province Line Road Princeton, NJ 08543 Address	Telephone Number
Enclosure Fee Payment	
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Terminal Disclaimer Form	
Additional sheets containing statements establishing unavoida	ble delay
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CERTIFICATE OF MAILING OR TRANSMISSION (3 I hereby certify that this correspondence is being: Transmitted via deposited with the United States Postal Service on the date shown be class mail in an envelope addressed to Mail Stop Petition, Commiss Alexandria, VA 22313-1450.	7 CFR 1.8(a)) EFS-WEB elow with sufficient postage as first
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PTO/SB/61 (06-09)
Approved for use through 06/30/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED **UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay. Signature				
PAUL D. Signature GOLIAN Typed or printed name (In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.) Applicant's Representative makes the statement that the Notification of Missing Requirements date mailed 10/24/2008 was not received at the correspondence address of record, and that a search of applicant's representative's records, including any filing jacket or the equivalent, and the application contents, indicates that the Notification of Missing Requirements was not received. The enclosed statement of Laura A. Caponi describes the system used for recording correspondence received from the USPTO. This statement establishes that Applicant's docketing system is sufficiently reliable, and also establishes non-receipt of the Notification of Missing Requirements.	NOTE: The party	following show who is preser	ring of the cause of unavoidable del nting statements concerning the cau	lay must be signed by all applicants or by any other use of delay.
PAUL D. Signature GOLIAN Typed or printed name (In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.) Applicant's Representative makes the statement that the Notification of Missing Requirements date mailed 10/24/2008 was not received at the correspondence address of record, and that a search of applicant's representative's records, including any filing jacket or the equivalent, and the application contents, indicates that the Notification of Missing Requirements was not received. The enclosed statement of Laura A. Caponi describes the system used for recording correspondence received from the USPTO. This statement establishes that Applicant's docketing system is sufficiently reliable, and also establishes non-receipt of the Notification of Missing Requirements.			7	5 . 18 3
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Clark, Edwin, et al

APPLICATION NO:

10/585261

FILED:

January 7, 2005

FOR:

BIOMARKERS AND METHODS FOR DETERMINING

SENSITIVITY TO EPIDERMAL GROWTH FACTOR RECEPTOR

MODULATORS

FILED VIA EFS-WEB

STATEMENT OF LAURA A. CAPONI

- I am the Docket Supervisor at Bristol-Myers Squibb Company ("Company") and have worked in the Company's Docketing Department since March of 2003.
- 2. A correspondence notification is sent from the U.S. Patent and Trademark Office ("USPTO") to Company via e-mail to our central e-mail address <u>uspatents@bms.com</u> from the USPTO.
- 2. The central e-mail address is monitored by the Docketing Department.
- 3. Once the correspondence notification is received, the Docketing Department connects to the USPTO Pair system to download and print the correspondence that is referenced in the USPTO notification. Once the correspondence is downloaded and printed, it is then sorted and date-stamped by the Docketing Department.
- 4. To the extent correspondence is received as mail via the U.S. Postal Service rather than via e-mail, mail is opened, sorted and date-stamped by the Company's Support Services Personnel who are trained to identify, collect and forward all USPTO documents to the Docketing Department. Once the mail has been opened, stamped and sorted by Support Services, the Docketing Department is contacted and the sorted mail is reviewed again by the Docketing Department to be certain all USPTO documents have been collected for docketing.
- 5. The Docketing Department then verifies the proper identification of each USPTO document via the Company's computer docket system Memotech. After proper identification, each

USPTO document is entered into the Company's docket system, which serves as an electronic record for documents received by the Company from the USPTO on a daily basis. The Docketing Department personnel initial each USPTO document on the upper right hand corner. Attached hereto, as Exhibit A, is a page from the Company's docket log for U.S. Application Number 10/585261 filed on January 7, 2005 (Attorney Docket No. 10159-US-PCT). I personally searched the docket system for all dates from January 7, 2005 to May 15, 2009 and found no record of the receipt of a "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)".

- 6. After the mail is processed by the Docketing Department, it is distributed to the patent paralegals and secretaries.
- 7. Upon receipt of the original USPTO document by the paralegals and secretaries, they, pursuant to instructions, look for the date stamp and the initials in the upper right hand corner of the USPTO document. These two notations together indicate that the USPTO document has been properly processed and entered into the Company's docket system. If either the date stamp or initials are missing, the paralegals and secretaries, pursuant to instructions, assume that the USPTO document has not been properly processed and bring it to the attention of the Docketing Department immediately.
- 8. Once the USPTO document is entered into the docket system, USPTO documents requiring a response will appear on a bi-weekly docket report beginning two years prior to the deadline and continuing until the requisite response has been fulfilled. The bi-weekly docket reports are distributed to attorneys, agents, paralegals and secretaries for monitoring purposes. In addition, the Docketing Department maintains docket report to communicate to the attorneys, agents, paralegals and secretaries of outstanding, non-extendable deadlines.
- 9. Once the requisite response to a USPTO document has been sent to the USPTO, the responsible paralegal or secretary sends the Docketing Department a Docket Process form, a copy of which is attached as Exhibit B, along with a copy of the document that has been sent

to the USPTO. The Docket Process form identifies the case by application number and present docket date, and also identifies the document(s) sent to the USPTO and the date the document(s) was sent. Each of these entries must match the docket system before a response due date is satisfied. In this way, the Docketing Department can ensure that the requisite response has been satisfied.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration issued thereon.

Date: 0/17/09

Laura A. Caponi Docket Supervisor

Bristol-Myers Squibb Company

EXHIBIT – A

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EXHIBIT B



Mail to uspatents@bms.com

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Docket Number
Application Number
Filing Date
Attorney/Agent

Present Docket Date(s) in Memotech: Action Performed on Close - A	otion Not Performed Extend date to
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